

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GAMALIER RIVERA,)
v.)
REYNALDO GUEVARA, *et al.*,)
Defendants.)
Case No. 23 C 01743
Hon. Judge Edmond E. Chang
District Judge
Hon. Judge Sunil R. Harjani
Magistrate Judge
JURY TRIAL DEMANDED

DEPOSITION SCHEDULING REPORT

The parties by their respective attorneys, respectfully submit this agreed upon deposition scheduling report, pursuant to this Court's order, Dkt. 92, stating as follows:

The parties have scheduled the following depositions on the following dates:

Parties to the Litigation	Date
Plaintiff Gamalier Rivera	May 8, 2024
Defendant Biebel	April 17, 2024
Defendant Riccio	April 24, 2024
Defendant Guevara	April 18, 2024
Third Party Deponents	Date
Valerio Gomez	March 26, 2024
Miguel Gonzalez	March 27, 2024
Felix Burgos, Jr.	March 28, 2024
Orlando Burgos	March 29, 2024
Santos Villa	April 1, 2024
Officer R. Gniot	April 3, 2024
Officer B. Healy	April 5, 2024
Officer Ruben Oliveras	April 8, 2024
Detective John Dolan	April 9, 2024
Charles Zuganelis	April 10, 2024
Detective Kenneth Berris	April 15, 2024
Elizabeth Burgos	April 30, 2024

Madelyn Burgos	May 2, 2024
ASA Lisa Mateck	May 6, 2024
ASA Ellen Mandeltort	May 7, 2024
ASA Linda Peters	May 9, 2024
ASA Domenica Stephenson	May 13, 2024
Reinaldo DeJesus	May 17, 2024
Nicholas Gonzalez	May 21, 2024
Maria Diaz	May 22, 2024
Javier Cruz	May 23, 2024
Josh Tepfer	May 28, 2024
Antonio Diaz	May 29, 2024

The parties conferred to confirm Counsel availability and have begun to serve notices and subpoenas of depositions for the above dates and witnesses. Counsel is in the process of effectuating service and contacting the witnesses to confirm their availability on the above dates. If a deponent is unavailable on their respective date, Counsel will work cooperatively to reschedule to a mutually agreeable date.

Plaintiff, Defendant Biebel, and Defendant Riccio confirmed their availability for the above dates. On March 7, 2024, Plaintiff noticed the deposition of Defendant Guevara for April 18, 2024, and his Counsel is working to ascertain his availability for that date.

The Parties further note for the Court that there are a number of ongoing discovery issues. Defendants assert that the issues may impact the ability to proceed with the aforementioned depositions:

1. Defendants are currently engaging in 37.2 correspondence with the Cook County State's Attorney's Office and the Cook County Public Defender's Office regarding their respective subpoena responses.
2. On March 4, 2024, Defendants received over 7,000 pages of documents in response to their subpoena to the Exoneration Project. Defendants are in the process of reviewing these documents to evaluate whether any 37.2 correspondence is necessary.
3. Plaintiff previously objected to producing certain mental health treatment information until there was a HIPAA-qualified protective order in place. On March 6, 2024, the Court denied Plaintiff's Motion for a HIPAA Protective Order, Dkt. 98, and directed that the Defendants' version of the HIPAA Order be entered. Therefore, Plaintiff will review his records and provide any responsive supplementation to Defendants' discovery requests

by Friday, March 15, 2024. Defendants anticipate obtaining the mental health treatment information from Plaintiff and issuing subpoenas for records.

4. Defendants previously objected to producing certain information until an appropriate protective order was in place. On February 28, 2024, the Court denied Plaintiff's motion for entry of a Protective Order, Dkt. 93, and entered a Protective Order on March 6, 2024. Dkt. 100. Plaintiff has addressed the relevant responses to Plaintiff's discovery requests that need supplementation in the Rule 37.2 letters he will issue today. Plaintiff therefore anticipates obtaining the responsive information and documents from Defendants, and following up with any additional subpoenas or discovery requests.
5. The individual Defendants also intend on issuing Rule 37.2 letters to Plaintiff on March 8, 2024 to address further deficiencies in Plaintiff's discovery responses.
6. The parties are in the process of inspecting impounded evidence.

Dated: March 8, 2024

/s/ Meg Gould
Counsel for Plaintiff

Jon Loevy
Steve Art
Anand Swaminathan
Locke Bowman
Sean Starr
Meg Gould
LOEVY & LOEVY
311 N. Aberdeen
Chicago, Illinois 60607
(312) 243-5900
gould@loevy.com

/s/Molly Boekeloo
Attorney for Defendant Guevara

Respectfully Submitted,

/s/ Theresa Berousek Carney
Counsel for the City of Chicago

Eileen E. Rosen
Catherine M. Barber
Theresa B. Carney
Austin G. Rahe
Lauren Ferrise
Jessica Zehner
Andrew J. Grill
Special Assistant Corporation Counsel
Rock Fusco & Connelly, LLC
333 W. Wacker, 19th Floor
Chicago, Illinois 60606
(312) 494-1000
erosen@rfclaw.com

/s/Daniel McGinnis
Attorney for Defendants Halvorsen, Ricco &

Timothy P. Scahill (Lead Attorney)
Steven B. Borkan
Emily E. Schnidt
Misha Itchhaporia
Molly Boekeloo
Whitney N. Hutchinson
Graham P. Miller
Special Assistant Corporation Counsel
Borkan & Scahill
20 S Clark St # 1700
Chicago, IL 60603
(312) 580-1030

Biebel
James G. Sotos
Josh M. Engquist
Lisa Meador
Mark Smolens
Elizabeth Fleming
Daniel McGinnis
Thomas Sotos
Special Assistant Corporation Counsel
The Sotos Law Firm, P.C.
141 W. Jackson Blvd. #1240A
Chicago, IL 60604
(630)735-3303
dmcginnis@jsotoslaw.com